

IC3HISS1

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

17 Cr. 74 (CM)

6 IBRAHIM ISSA,

7 Defendant.

Trial

8 -----x  
9 New York, N.Y.  
10 December 3, 2018  
11 11:00 a.m.

12 Before:

13 HON. COLLEEN MCMAHON,

District Judge

14 APPEARANCES

15 GEOFFREY S. BERMAN  
16 United States Attorney for the  
17 Southern District of New York  
18 NOAH SOLOWIEJCZYK  
19 ELIZABETH HANFT  
20 KYLE WIRSHBA  
21 Assistant United States Attorneys

22 BRAFMAN & ASSOCIATES, P.C.  
23 Attorneys for Defendant  
24 BY: BENJAMIN BRAFMAN  
25 JOSHUA D. KIRSHNER  
STUART GOLD

26 ALSO PRESENT: ANTHONY DUBAR, Special agent USPS-OIG  
27 GRACE SOTO, Special agent IRS  
28 COLLEEN GEIER, Paralegal Specialist USAO  
29 PRIYA KUARLALL PRASAD, Paralegal

IC3HISS1

1 (Case called)

2 THE LAW CLERK: Your appearances, please.

3 MR. SOLOWIEJCZYK: Good morning, your Honor. Noah  
4 Solowiejczyk on behalf of the government. I'm joined at  
5 counsel table by AUSAs Elizabeth Hanft and Kyle Wirshba and  
6 also Colleen Geier and Special Agents Anthony Dubar and Grace  
7 Soto.

8 MR. BRAFMAN: Good morning, your Honor. Benjamin  
9 Brafman, for Ibrahim Issa, who is present. Mr. Josh Kirshner  
10 and Stuart Gold as counsel, and Priya Kuarlall Prasad, who is a  
11 paralegal.

12 THE COURT: Good morning. Have a seat.

13 I'm sorry everything has taken so long. Folks who are  
14 sitting where you're sitting, I can't have you sitting there  
15 during jury selection because there will be jurors there. If  
16 you wouldn't mind moving to the back right, I would be very  
17 grateful. As soon as we get the jury selected, you can come up  
18 to better seats.

19 MR. BRAFMAN: Thank you, your Honor.

20 THE COURT: Anywhere in the back is fine.

21 The first order of business is to put on the record  
22 that as of two minutes ago, the United States District Court  
23 for the Southern District of New York will be closed on  
24 Wednesday in commemoration of the passing of former President  
25 George Herbert Walker Bush. So we will not be on trial on

IC3HISS1

1 Wednesday. Unfortunately, we can't make up that day on Friday.  
2 I apologize, but I am going to my nephew's wedding so we will  
3 simply have to carry on.

4 All right. I have a letter from the government asking  
5 that I order the defense not to open on the issue of  
6 entrapment.

7 MR. BRAFMAN: We have come to an agreement, your  
8 Honor, well before the letter. I advised the government I will  
9 not be opening on entrapment.

10 THE COURT: That's good, Mr. Brafman. Thank you.

11 I have jurors finally. OK.

12 MR. BRAFMAN: Your Honor, could I just add one thing  
13 that also I've advised the government? There is an issue of  
14 inducement, not for entrapment, but there is an issue of  
15 inducement that I do intend to argue because it impacts on the  
16 defendant's state of mind and on the issue of intent, so I am  
17 not going to argue entrapment.

18 THE COURT: Good, because there are few issues I know  
19 more about than entrapment and few judges who know more about  
20 entrapment than I do. I lived with the ultimate entrapment  
21 case for several years, and this case ain't that case.

22 MR. BRAFMAN: I intend not to waste your Honor's time  
23 on argue issues that I don't think are relevant.

24 THE COURT: Thank you. Great.

25 We have 80 jurors, which I think is way more than we

IC3HISS1

1 need. So what I'm proposing to do, as you know, 20 in the box,  
2 30 on the left, we'll put 30 on the right. We'll prescreen  
3 with them, but then when I start asking people to read from the  
4 questionnaire, we'll only ask the first 50.

5 Let's do it.

6 THE LAW CLERK: Bring in the prospective jurors, your  
7 Honor?

8 THE COURT: Yes.

9 MR. BRAFMAN: Do we stand, your Honor?

10 THE COURT: You don't have to, Mr. Brafman.

11 (Jury selection followed)

12 (Adjourned to December 4, 2018, at 9:30 a.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25